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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the combined initial to third periodic reports of the Federated States of Micronesia*

1. The Committee considered the combined initial to third periodic reports of the Federated States of Micronesia (CEDAW/C/FSM/1-3) at its 1488th and 1489th meetings (see CEDAW/C/SR.1488 and 1489), held on 24 February 2017. The Committee's list of issues and questions is contained in CEDAW/C/FSM/Q/1-3 and the responses of the Federated States of Micronesia are contained in CEDAW/C/FSM/Q/1-3/Add.1.

A. Introduction

2. The Committee appreciates the submission by the State party of its combined initial to third periodic reports. It also appreciates the State party's written replies to the list of issues and questions raised by the pre-sessional working group and welcomes the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue. It regrets, however, that although the State party acceded to the Convention in 2004 the report was submitted to the Committee only in 2015.

3. The Committee commends the State party on its high-level delegation, which was headed by the Secretary (Minister) of the Department of Health and Social Affairs, Magdalena Walter, and included the Permanent Representative of the Federated States of Micronesia to the United Nations, the Gender Development Officer and a representative of the Department of Justice.

B. Positive aspects

4. The Committee welcomes the legislative measures adopted by the State party to implement the Convention since its entry into force for the State party in 2004, in particular the following:

* Adopted by the Committee at its sixty-sixth session (13 February-3 March 2017).

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(a) Maternity Leave Act (Public Law No. 16-15);

(b) Trafficking in Persons Act (2012) and the corresponding laws against trafficking in persons adopted in all four states of the State party in 2013.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, including the adoption of the national strategic development plan (2004-2023), which covers gender equality issues and steps to address them.

6. The Committee welcomes the State party's ratification of or accession to the following international instruments:

(a) Convention on the Rights of Persons with Disabilities, in 2016;

(b) Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in 2015;

(c) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in 2012;

(d) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in 2011.

C. Parliament

7. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites the National Congress, as well as the four state parliaments, in line with their mandates, to take the necessary steps regarding the implementation of the present concluding observations between now and the next reporting period under the Convention.

D. Principal areas of concern and recommendations

Withdrawal of reservations

8. The Committee takes note of the willingness to review its reservations to the Convention expressed by the State party in its written replies to the Committee's list of issues and questions, as well as the information provided during the constructive dialogue with the Committee, indicating that a task force has been set up to review its reservations in relation to articles 2 (f), 5, 11 (1) (d), 11 (2) (b), 16 and 29 (1) of the Convention, with a view to considering their withdrawal. The Committee is, however, concerned that no time frame has been set for the completion of this review. It reiterates that the withdrawal of the reservations, or the narrowing of their scope, is essential for the full implementation of the Convention in the State party and that neither traditional, religious or cultural practices nor incompatible national laws and policies can be invoked to justify reservations to the Convention.

9. **Recalling its statement on reservations, adopted at its nineteenth session, in 1998, the Committee considers that the reservations to articles 2 and 16 are incompatible with the object and purpose of the Convention and that they are therefore impermissible and should be withdrawn. The Committee recommends that the State party:**

(a) **Expedite without delay the review of all its reservations to the Convention, with a view to withdrawing them or narrowing their scope within an established time frame, in consultation with women's civil society groups. In this context, it recommends that the State party take into consideration the experiences of other Pacific island States that have withdrawn reservations to the Convention;**

(b) **Seek and utilize technical support from development partners, as appropriate, in addressing national and federal constraints to the full adoption and implementation of the Convention without reservations.**

Visibility of the Convention

10. The Committee notes with appreciation that the State party has translated the Convention into the main local languages and that it has carried out increased public outreach and awareness-raising campaigns to make women more aware than before of their rights and responsibilities. It notes with concern, however, that the Convention has not been given sufficient visibility as the legal basis for measures, including legislation and policy measures, to eliminate discrimination against women and promote gender equality in the State party.

11. **The Committee recommends that the State party give central importance to the Convention as the basis for the elimination of all forms of discrimination against women and for the achievement of gender equality, and that it prioritize its full incorporation into the national legal system. It recommends that the State party take measures to make the Convention sufficiently known and applied in respect of all laws, court decisions and policies on gender equality and the advancement of women, including through the wide dissemination of the Convention and the Optional Protocol thereto among public officials and the general public, including in remote areas. It also recommends that the Convention, the Optional Protocol thereto and the Committee's general recommendations be made an integral part of the professional training for all branches of government, the parliament and the judiciary.**

Constitutional framework and discriminatory laws

12. The Committee notes with concern that the decentralization of powers in the State party has not been accompanied by the permanent coordination or monitoring mechanisms necessary to ensure the effective implementation of the Convention and has thus resulted in an uneven recognition and enjoyment of women's human rights in the four states. The Committee notes that the national Constitution and the constitutions of the four states prohibit discrimination on grounds of sex. Nevertheless, the Committee is concerned that none of them define discrimination in line with article 1 of the Convention and that there is no specific anti-discrimination legislation. It is also concerned that:

(a) The national Constitution and all four state constitutions confer legal status on customary law, whereby customs and traditions are upheld by statutes, which may result in discrimination against women;

(b) Federal and state-level legislation continues to include discriminatory provisions, especially in relation to gender-based violence against women.

13. **With reference to its general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention, the Committee recommends that the State party ensure that appropriate mechanisms and institutions are put in place to review, monitor and evaluate the implementation of laws and policies at the state and national levels to ensure compliance with the obligations of the State party under the Convention, so that women's rights are fully protected throughout its territory. It also recommends that the State party take into consideration the links between articles 1 and 2 of the Convention and target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls, and:**

(a) **Incorporate fully and without delay into the national Constitution or other appropriate legislation a definition of discrimination against women in line with article 1, covering direct and indirect discrimination and discrimination in the public and private spheres and recognizing intersecting forms of discrimination, and establish mechanisms to promote equality and ensure remedies to women who are victims of discrimination;**

(b) **Amend or repeal all legislation that is incompatible with the principle of equality and non-discrimination, as enshrined in the Convention, and harmonize laws, including statutory and customary laws, with international human rights standards.**

14. The Committee notes the recognition by the State party of the discriminatory nature and effect of the existing legal framework and its ongoing law reform process to achieve substantive equality for women. The Committee is, however, concerned at the slow progress in the adoption of such reforms.

15. **The Committee recommends that the State party expedite the law reform process and adopt a clear time frame and deadlines for its completion, so as to achieve compliance with the Convention and the Committee's general recommendations. The Committee also encourages the State party to generate the political will necessary for undertaking these reforms.**

Access to justice and legal aid mechanisms

16. The Committee notes the existence of plural justice systems in the State party. It notes with concern the lack of effective access to justice for women and their inability to obtain redress in the formal justice system as a result of multiple factors including poverty, negative gender stereotyping, their lack of knowledge about their rights, their lack of legal literacy, the limited availability of free legal aid, the low number of courts throughout the territory of the State party and their limited accessibility owing to geographical dispersion. While it notes that non-governmental organizations provide some free legal assistance to women, the Committee is concerned at the limited training of law enforcement personnel, members of the judiciary, and

traditional authorities and legal practitioners on the Convention and women's rights, and at the general fear among women of using the court system.

17. **With reference to its general recommendation No. 33 (2015) on access to justice, the Committee recalls the State party's obligation to ensure that women's rights are protected against violations by all components of plural justice systems. In that regard, the Committee recommends that the State party:**

(a) **Provide capacity-building and training programmes on the Convention and women's rights for judicial practitioners, to ensure that customary and community justice systems harmonize their norms, procedures and practices with the Convention and to raise awareness and eliminate the stereotyping and stigmatization faced by women claiming their rights;**

(b) **Establish specific remedies to provide redress for women in both formal and customary justice systems and raise public awareness of the importance of addressing violations of women's rights through judicial remedies;**

(c) **Strengthen the judicial system to ensure that women have effective access to justice, including by increasing human, technical and financial resources;**

(d) **Enhance women's awareness of their rights and the means to claim them, including by strengthening cooperation with civil society organizations;**

(e) **Ensure the availability of legal aid services for women to enable them to claim their rights under the Convention within the various plural justice systems by engaging qualified local support staff to provide such assistance;**

(f) **Provide safeguards against violations of women's human rights by enabling review by State courts or administrative bodies of the activities of all components of plural justice systems, with special attention to customary courts.**

National human rights institution

18. The Committee notes with concern that the State party has not yet taken steps to establish an independent national human rights institution with a wide mandate to protect and promote women's human rights.

19. **The Committee recommends that the State party establish, within a clear time frame, an independent national human rights institution in accordance with the principles relating to the status of national institutions (the Paris Principles), with a mandate to protect and promote the substantive equality of women and men.**

National machinery for the advancement of women

20. The Committee notes the establishment of the national gender desk and women's interest officers at the state level. It notes with concern, however, the extremely limited institutional capacity, resources and authority provided to the Gender Development Office under the Department of Health and Social Affairs. It is also concerned that the draft national gender policy has still not been adopted.

21. **The Committee recommends that the State party strengthen the national machinery for the advancement of women by providing it with an independent mandate and sufficient decision-making and coordinating authority, as well as with adequate human and financial resources for the effective promotion of substantive equality of women and men. It also recommends that the State party finalize and adopt, within a definite time frame, the draft national gender policy and a national plan of action for the advancement of women that addresses intersecting forms of discrimination against women, and that it ensure its effective implementation, including through regular monitoring and evaluation.**

Temporary special measures

22. The Committee is concerned by the general lack of understanding in the State party of the nature, scope and benefits of temporary special measures within the meaning of article 4 (1) of the Convention and notes with concern the absence of a strategy to implement temporary special measures to accelerate the achievement of substantive equality of women and men in the State party in all areas covered by the Convention in which women are underrepresented or disadvantaged. The Committee is concerned by the absence of educational outreach and awareness-raising programmes for the general public and policymakers on the need to utilize temporary special measures as a means to accelerate the achievement of substantive equality.

23. **In line with the Committee's general recommendation No. 25 (2004) on temporary special measures, the Committee recommends that the State party raise awareness among the general public and all relevant officials regarding the concept of temporary special measures in accordance with article 4 (1) of the Convention, and implement temporary special measures, such as gender quotas and gender-specific programmes, in all areas covered by the Convention in which women are underrepresented or disadvantaged, and that it allocate additional resources where needed. It also recommends that the State party take into account recent initiatives in other States in the Pacific region to develop and introduce temporary special measures.**

Stereotypes and discriminatory practices

24. The Committee recognizes the diversity of cultures and traditions in the State party and acknowledges the additional written information provided to the Committee on social changes. It is, however, concerned about the persistence of adverse cultural norms and practices as well as deep-rooted discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and in society. The Committee is concerned that such stereotypes and practices subordinate women to men, overemphasize women's roles as mothers and housewives and negate their active participation in political life and decision-making. This results in women's disadvantaged status in marriage and family relations and contributes to the high prevalence of gender-based violence against women. It is further concerned about the lack of sustained and systematic action to modify or eliminate stereotypes and negative cultural attitudes and practices.

25. **The Committee recommends that the State party put in place, without delay, a comprehensive strategy with specific targets to modify or eliminate discriminatory stereotypes about the roles and responsibilities of women and**

men in the family and in society, in conformity with articles 2 (f) and 5 (a) of the Convention. It also recommends that the State party:

(a) Carry out educational and awareness-raising campaigns targeting women and men, including traditional and religious leaders, on women's rights and gender equality to effectively promote the substantive equality of women and overcome patriarchal attitudes and deep-rooted discriminatory stereotypes concerning the roles and responsibilities of women and men in the family and society;

(b) Take sustained, systematic and innovative measures to engage the media and non-governmental organizations in combating discriminatory stereotypes and social attitudes and to strengthen understanding of the equality of women and men.

Gender-based violence against women

26. The Committee commends Kosrae State for enacting the Family Protection Act (2014) and Chuuk State for enacting legislation to raise the age of sexual consent from 13 to 18 years. It is, however, concerned about:

(a) The absence of legislation providing adequate protection and safety for victims in all states, and the legal gaps and inconsistencies that exist across the territory of the State party;

(b) The fact that sexual violence, including rape, is not adequately addressed by law and that all states maintain a corroboration requirement in the prosecution of cases of rape and sexual violence;

(c) Widespread gender-based violence against women, in particular domestic violence, in the State party, noting the high levels of social acceptance of such violence;

(d) The lack of prosecutions and convictions of perpetrators of such violence, including domestic and sexual violence, and the fact that women are reluctant to report cases of violence owing to fear of social stigma, discriminatory evidentiary requirements in legal proceedings and the preference sometimes given to customary practices of forgiveness and reconciliation over prosecution by the courts;

(e) The unavailability of appropriate shelters or services, including medical treatment, psychological counselling and legal assistance, for women victims of gender-based violence.

27. **In accordance with its general recommendation No. 19 (1992) on violence against women, the Committee recommends that the State party give high priority to putting in place comprehensive measures to address all forms of gender-based violence against women and girls. It also recommends that the State party:**

(a) Adopt legislation at both the national and state levels to criminalize all forms of gender-based violence against women, including domestic violence, and to broaden the range of sexual offences, review sentencing policies and repeal evidentiary requirements such as corroboration and proof of resistance in cases

of rape, and raise the age of sexual consent from 13 to 18 years throughout its territory;

(b) Put in place a comprehensive national policy to eliminate gender-based violence against women, including domestic violence, with adequate resources for its implementation;

(c) Step up educational and awareness-raising efforts aimed at judges, prosecutors, law enforcement personnel, legal practitioners, traditional leaders, health-care providers, social workers and the general public, in order to sensitize them to the fact that all forms of violence against women are unacceptable and to destigmatize victims;

(d) Strengthen women's access to justice, encourage reporting of cases of violence against women to the authorities, and ensure that victims have access to immediate means of redress and protection and that courts guarantee that forgiveness and reconciliation procedures are not used as a basis for dismissal of prosecution, especially in cases of domestic violence and sexual offences;

(e) Increase the number of shelters for victims of domestic violence, as well as support services, including medical treatment, psychological counselling and legal assistance, for victims;

(f) Seek international and technical assistance with regard to the above, if necessary.

Trafficking and exploitation of prostitution

28. The Committee commends the State party for having enacted laws against trafficking in persons at both the national and state levels and for the adoption of a national policy on trafficking. It is, however, concerned by the lack of information about the extent of trafficking in women and girls and their exploitation in prostitution, especially in coastal communities where foreign fishing vessels dock. It further notes the absence of information on measures taken to raise public awareness of the criminal nature of trafficking and exploitation of prostitution of women.

29. **Drawing attention to target 5.2 of the Sustainable Development Goals, to eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation, the Committee recommends that the State party:**

(a) Include information and data in its next report on the prevalence of trafficking in and exploitation of prostitution of women and girls, conduct studies and surveys for this purpose and seek international assistance, if appropriate;

(b) Protect trafficked women and women in prostitution from exploitation, including by providing assistance to victims and by investigating, prosecuting and adequately punishing perpetrators;

(c) Address the root causes of trafficking and exploitation of prostitution, such as poverty, as well as the link between the foreign fishing industry and trafficking in women and their exploitation in prostitution, including by reducing the demand for prostitution;

(d) Develop programmes providing alternative employment opportunities and exit programmes to women who wish to leave prostitution.

Participation in political and public life

30. While it notes women's incremental role in the public life of the State party, the Committee is concerned that women remain absent or grossly underrepresented in decision-making positions in all areas, especially at high levels of political and public life and in the National Congress in particular, to which no woman has ever been elected. It also notes with concern that prevailing discriminatory stereotypes constitute barriers to women's full participation in political life and result in women being expected to serve in subservient roles to their male counterparts when they occupy decision-making posts. The Committee is further concerned about the absence of national legislation or policies to promote women's equal representation in the civil service.

31. **The Committee recommends that the State party:**

(a) Take all appropriate measures to enhance the representation of women in decision-making bodies at all levels, including the National Congress, inter alia, through the adoption of temporary special measures in line with article 4 (1) of the Convention and with the Committee's general recommendations No. 23 (1997) on women in political and public life and No. 25 (2004) on temporary special measures, and establish specific goals and timetables to accelerate women's representation in all spheres of public life;

(b) Empower women to effectively participate in political and public life and to assume leadership positions at all levels of governance, including at the local level, taking into consideration good practices of other countries, especially in the region, on promoting gender equality in this sphere;

(c) Strengthen efforts to address the factors impeding women's political participation and adopt, as a matter of priority, proactive policy measures, such as gender-sensitive training, capacity-building and targeted recruitment of women, and temporary special measures, including quotas with sanctions for non-compliance, to increase the number of women in elected positions and their appointment to senior and management positions in the judiciary, the executive branch of the Government and the public and foreign service;

(d) Implement educational and awareness-raising activities for politicians, community leaders and the general public, including women, on the importance of the full and equal participation of women in leadership and decision-making for society as a whole.

Education

32. The Committee commends the State party for achieving gender parity at the primary school level. It is, however, concerned that the principle of gender equality has not been incorporated into the curricula at higher levels, especially in tertiary education. It notes with concern the absence of laws or temporary special measures to promote the education of girls and women and to promote women in leadership positions in educational institutions. The Committee is also concerned by:

(a) The high number of teenage pregnancies in the State party resulting in school dropout and the expulsion of pregnant girls from private schools;

(b) The absence of information on age-appropriate sexual and reproductive health education in school curricula at all levels;

(c) The lack of equal opportunities for girls with disabilities, who are often denied access to good-quality education owing to fear of stigma or prejudices, and the lack of accessible school buildings and transportation;

(d) The fact that, in Kosrae State, the Department of Education may delay a pupil's entry into school for one year owing to limitations in facilities or personnel.

33. **The Committee, in line with target 4.5 of the Sustainable Development Goals, to eliminate gender disparities in education, recommends that the State party continue its efforts to ensure equal access for girls to all levels of education, including tertiary education. It also recommends that the State party:**

(a) **Ensure school enrolment, retention and completion for women and girls at all levels of education, including by taking effective steps to encourage women and girls to pursue tertiary education and strengthen scholarships and grants for girls and women as well as incentives and subsidies for their families;**

(b) **Eliminate sex stereotyping in educational programmes, curricula and textbooks with the aim of modifying the structural and cultural causes of discrimination against women;**

(c) **Ensure that girls are not expelled from school as a result of teenage pregnancy, and develop and implement initiatives for the re-entry of girls and women who have dropped out of school owing to pregnancy;**

(d) **Develop and promote a broader approach to age-appropriate education for girls and boys on sexual and reproductive health and rights, as part of school curricula, targeted at reducing teenage pregnancies and promoting responsible sexual behaviour;**

(e) **Take the measures, including capacity-building for education professionals, necessary to ensure that all girls with disabilities are able to have access to good-quality education on the same basis as other children;**

(f) **Ensure that all children are granted entry into schools in Kosrae State, without any delay.**

Employment

34. The Committee welcomes the adoption of legislation at the national level on maternity leave in the public sector and the increase in women's employment rates in the public sector. It notes with concern, however, inconsistencies in the legislative and policy framework in the field of employment across states, in particular:

(a) The disproportionately high unemployment rate among women, the persistent gender pay gap and the low representation of women in managerial positions;

(b) The absence of legislation specifically criminalizing sexual harassment in the workplace;

(c) The fact that women are predominantly engaged in unpaid family work, especially in the agricultural sector, as well as in low-paid jobs, owing to their unequal burden of family responsibilities and traditional attitudes;

(d) The fact that women domestic workers with low incomes are not covered by the social security system, as they cannot pay contributions.

35. **The Committee recommends that the State party take legal and other measures to eliminate discrimination against women in the field of employment and, in particular, that it ensure the right to maternity leave and benefits throughout its territory in both the public and private sectors, thus enabling it to withdraw its reservation to article 11 (2) (b) of the Convention within a specific time frame. It also recommends that the State party:**

(a) **Increase employment opportunities for women and reduce structural inequalities in employment, occupational segregation and the gender pay gap;**

(b) **Adopt legislation specifically criminalizing sexual harassment in the workplace in both public and private sector employment, and establish complaint mechanisms to enable victims to obtain redress;**

(c) **Create income-generating opportunities for women and continue to take proactive measures, such as giving priority to women in public sector recruitment and extending the coverage of economic empowerment programmes to women in rural areas and on outlying islands;**

(d) **Ensure that women in the informal sector, including domestic workers, are covered by social protection schemes, and conduct labour inspections to ensure that they have decent working conditions.**

Health

36. The Committee recognizes the resource and other constraints faced by the State party. Nevertheless, it is concerned about the health situation of women in remote areas and on outlying islands, who experience difficulties in gaining access to affordable and adequate health care, including sexual and reproductive health services and information. It notes that there is a lack of accurate data on maternal mortality, given that many women deliver at home. The Committee is particularly concerned about:

(a) The high number of teenage pregnancies;

(b) The absence of safe and legal abortion facilities and the criminalization of abortion in all cases except where the life of the pregnant woman is at risk;

(c) The mental health status of women and the lack of measures to address the physical and psychological trauma of women who are victims of gender-based violence, which results in high suicide rates among these women.

37. **The Committee draws attention to targets 3.1 and 3.7 of the Sustainable Development Goals, on reducing the global maternal mortality ratio and ensuring universal access to sexual and reproductive health services, and**

recommends that the State party strengthen women's access to health care, including sexual and reproductive health services, especially in remote areas and on outlying islands. It also recommends that the State party provide information on maternal mortality rates in its next periodic report and that it:

(a) **Ensure that women and girls have access to accurate information relating to sexual and reproductive health and rights, including responsible sexual behaviour, prevention of teenage pregnancies and sexually transmitted diseases and access to affordable modern contraceptives;**

(b) **Amend its legislation to legalize abortion not only in cases in which the life of the pregnant woman is threatened, but also in cases of threats to her health, pregnancies resulting from rape or incest, and cases of severe fetal impairment, and to decriminalize abortion in all cases;**

(c) **Design a monitoring mechanism on the mental health situation of women and girls in the State party and use its results to develop mental health programmes and services.**

Economic and social benefits

38. The Committee notes that there are no legal barriers to women's access to finance on a basis of equality with men. It is, however, concerned about the limited information on women's access to loans and other forms of financial credit, including from public banks, and the lack of social protection programmes in the State party, in particular those targeting disadvantaged groups of women such as female-headed households, older women and women with disabilities. It is also concerned that girls and women are often unable to participate in sports and recreational activities as they are disproportionately burdened with household duties.

39. **The Committee recommends that the State party take measures to promote women's access to loans and other forms of finance, including by improving their financial literacy. It also recommends that the State party provide financial subsidies and social protection for single women heading households, women living in poverty, older women and women with disabilities. The Committee further recommends that the State party ensure the creation of effective opportunities for girls and women to participate in sports and recreational activities.**

Rural women

40. The Committee is concerned about the disadvantaged situation of women in remote rural areas and on outlying islands, including their limited access to health care, education, professional training and income-generating opportunities, information and communication technologies, and public transport. It is also concerned that the prevailing gender stereotypes in rural areas add to violence and discrimination against women and contribute to their limited participation in decision-making at the community level and in access to justice. The Committee is further concerned about recent changes to the traditionally matrilineal inheritance system for land, which have placed women in a disadvantaged position in relation to ownership, acquisition, management and disposition of property.

41. The Committee, in line with its general recommendation No. 34 (2016) on the rights of rural women, recommends that the State party:

(a) Take all appropriate measures to increase rural women's access to health care, education, employment and justice, information and communications technologies, and public transport, with the aim of ensuring sustainable rural development and combating poverty situations;

(b) Strengthen the participation of rural women and women on outlying islands in designing and implementing local development plans and ensure that they participate in decision-making on rural development at all levels;

(c) Ensure that women and men have equal access to land ownership and management.

Impact of climate change and natural disasters on women

42. The Committee welcomes the fact that the State party was the first Pacific island State to adopt a climate change act. Nevertheless, it notes with concern the disproportionate impact of climate change, rising sea levels and other weather-related disasters on women in the State party, as well as the absence of information on women's participation in decision-making on rural development and the lack of an explicit gender component within related policies and programmes. The Committee is also concerned at the lack of mechanisms to assess the impact of environmental policies on women.

43. The Committee recommends that the State party ensure the participation of women in the preparation, adoption and implementation of national policies and programmes on climate change, disaster response and risk reduction and include an explicit gender perspective in such policies. It also recommends that the State party establish mechanisms at the local, state and national levels to assess the impact of environmental policies on women.

Disadvantaged and marginalized groups of women

44. The Committee is concerned about the limited information on disadvantaged and marginalized groups of women, including older women and women with disabilities, who often suffer from intersecting forms of discrimination, especially in relation to access to education, employment and health care. The Committee is also concerned about the absence of a comprehensive national policy on disability with a gender component.

45. The Committee requests the State party to provide in its next report comprehensive information on the situation of vulnerable groups of women, including older women and women with disabilities, in all areas covered by the Convention. It recommends that the State party ensure a gender perspective in national and state legislation and policies on disability, that it guarantee the rights of girls and women with disabilities in line with international human rights standards and that, where necessary, it consider seeking technical and financial assistance from development partners.

Marriage and family relations

46. The Committee is concerned that the State party does not have sufficient capacity or mechanisms in place to carry out its mandate to ensure that the state governments enact legislation and address marriage and family relations in line with the Convention. It is also concerned about the legal inconsistencies among states in this regard, which result in discrimination against women in areas such as marriage, divorce, inheritance, child support and maintenance, and property issues. The Committee also notes with concern:

(a) Exemptions to compulsory marriage registration, which may result in discriminatory practices such as bigamy and child marriage;

(b) The discrepancy in the legal minimum age of marriage for girls (16 years) and boys (18 years);

(c) Fault-based criteria for divorce in all states, which are often more difficult for women to prove and which may have discriminatory effects that are reinforced by gender stereotyping in courts.

47. **Recalling its general recommendations No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution and No. 21 (1994) on equality in marriage and family relations, the Committee recommends that the State party promote and guarantee the implementation of the Convention in all states. It recommends that the State party take the measures, including through its power to legislate for the implementation of treaty obligations, necessary to ensure that women and men in its territory have equal rights in marriage, divorce, property relations, child custody and inheritance. It also recommends that the State party:**

(a) **Promote awareness-raising campaigns to modify gender stereotypes about family relations, including among the judiciary and legal practitioners;**

(b) **Intensify efforts aimed at raising awareness of the need to register all marriages, including customary marriages;**

(c) **Set the legal minimum age of marriage at 18 years for both girls and boys and criminalize child marriage and bigamy;**

(d) **Ensure that child support and maintenance are enforced through the formal justice system.**

Data collection and analysis

48. The Committee is concerned at the general lack of available data disaggregated by sex and age in all areas covered by the Convention, which are necessary for an accurate assessment of the situation of women, for informed, targeted policymaking and for the systematic monitoring and evaluation of progress achieved and trends over time towards the realization of women's de facto equality in all areas covered by the Convention.

49. **The Committee calls upon the State party to develop and implement systems of collection, analysis and dissemination of comprehensive data disaggregated by sex and age, and to use measurable indicators to assess trends**

in the situation of women and progress made towards the realization of women's substantive equality in all areas covered by the Convention, and calls its attention to the Committee's general recommendation No. 9 (1989) in this regard.

Optional Protocol to the Convention and amendment to article 20 (1) of the Convention

50. **The Committee encourages the State party to ratify the Optional Protocol to the Convention and to accept, as soon as possible, the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.**

Beijing Declaration and Platform for Action

51. **The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.**

2030 Agenda for Sustainable Development

52. **The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.**

Dissemination

53. **The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries, the National Congress and the judiciary, to enable their full implementation.**

Technical assistance

54. **The Committee recommends that the State party link the implementation of the Convention to its development efforts and that it avail itself of regional or international technical assistance in this respect.**

Ratification of other treaties

55. **The Committee notes that the adherence of the State party to the nine major international human rights instruments[1] would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify those**

[1] The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.

instruments to which it is not yet a party, namely, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Follow-up to the concluding observations

56. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 9, 25 (a), 27 (b) and 37 (b) above.

Preparation of the next report

57. The Committee invites the State party to submit its fourth periodic report in March 2021. In case of delay, the report should cover the entire period up to the time of its submission.

58. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I).